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OFFICE OF PETITIONS

In re Application of	:	
Fredrick	:	
U.S. Patent No. 7,106,360	:	
Issue Date: September 12, 2006	:	Corrected Letter Regarding
Application No. 09/452,952	:	Patent Term Extension
Filing Date: December 22, 1999	:	
Docket No. A-21599	:	
For: METHOD FOR DISTRIBUTING	:	
SPORTS ENTERTAINMENT	:	

The above-identified application has been forwarded to the undersigned for correction of the patent term extension information printed on the Notice of Allowance and Issue Fee due that was mailed on May 1, 2006, which incorrectly states the patent term is extended by 568 days. In a telephone call with Ryan Flandro on September 19, 2006, it was confirmed that the Office would request a certificate of correction to correct the patent term extension information printed on the face of the patent. See 35 U.S.C. § 154(b)¹ and 37 C.F.R. § 1.701.

After mailing of this letter, the Office will issue a certificate of correction in order to rectify the error regarding the patent term extension information. See 35 U.S.C. 254 and 37 CFR 1.322. The Office will issue a certificate of correction stating that the patent term is extended by **59** days.

Issue of the above-identified application was delayed due to appellate review by the Board of Appeals and Interferences, and the above-identified application has been allowed after a decision of the Board reversing an adverse determination of patentability.

¹35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000). Since this amendment is effective May 29, 2000 and applies to applications filed on or after that date, the existing patent term adjustment provisions of 35 U.S.C. § 154 continue to apply to the above-identified application.

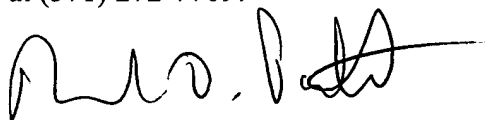
A Notice of Appeal was filed in the above-identified application on July 11, 2001. On January 29, 2003, the Board of Appeals and Interferences reversed the decision of the examiner in the above-identified application. Since the above-identified application was filed after June 7, 1995, there is no terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review, and issuance of the application as a patent was delayed due to appellate review resulting in a reversal of an adverse decision of patentability, the patent to issue from the application is entitled to an extension of the patent term. The period of delay in the above-identified application is the period beginning on July 11, 2001, the date that the Notice of Appeal was filed, and ending on January 29, 2003, the date of the final decision in favor of the applicant. Three years after the filing date of the application is December 22, 2002. Accordingly, the period of extension is required to be reduced pursuant to 37 CFR 1.701(d)(1) by the amount of time prior to three years after the filing date of the application. As a result, the period of extension is **59 days**, not 568 days, as printed on the Notice of Allowance, which is the period from December 22, 2002 to January 29, 2003, including the beginning and end dates.

Further correspondence with respect to this matter should be addressed as follows:

By fax: Attn: Patent Term Extension Reply
 (571) 273-8300

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Telephone inquiries with regard to this communication should be directed to the undersigned at (571) 272-7709.



Mark Polutta
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